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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

OMAR RODRIGUEZ; CINDY GUILLEN-
GOMEZ; STEVE KARAGIOSIAN;
ELFEGO RODRIGUEZ; AND JAMAL
CHILDS,

Plaintiffs,

-vs-

BURBANK POLICE DEPARTMENT; CITY
OF BURBANK; AND DOES 1 THROUGH
100, INCLUSIVE.

Defendants.

CASE NO.: BC 414 602

Complaint Filed: May 28, 2009

Assigned to: Hon. Joanne B. O'Donnell, Judge
Dept: 37

Date: March 22, 2011

Time: 9:00 a.m.

**PLAINTIFF'S REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF PLAINTIFF
STEVE KARAGIOSIAN'S POST-TRIAL
BRIEF RE: FEHA COMPLAINT**

[Filed concurrently with Plaintiff Steve
Karagiosian's Post-Trial Brief re: FEHA
Complaint and Declarations of Solomon E.
Gresen and Steve Karagiosian]

TRIAL:

DATE: March 19, 2012

TIME: 10:00 a.m.

DEPT: 37

TO THE HONORABLE JOANNE B. O'DONNELL, JUDGE OF THE ABOVE-ENTITLED
COURT:

//

//

1 Pursuant to the terms of Evidence Code Section 452, subdivision (h), and Section 453,
2 Plaintiff Steve Karagiosian requests that the Court take judicial notice of the on-line process by
3 which a claimant can file a complaint with the Department of Fair Employment and Housing (the
4 "DFEH"), and request an immediate right to sue notice, which begins on the DFEH website at:
5 <http://applications.dfeh.ca.gov/onlinerts/>

6 Pursuant to the terms of Evidence Code Section 452, subdivision (d)(1), and Section 453,
7 Plaintiff also requests that the Court take judicial notice of "Defendant Burbank's Memorandum of
8 Points and Authorities in Support of Burbank's Motion for Summary Adjudication of Issues Against
9 Plaintiff Cindy Guillen-Gomez, served on or about December 23, 2010, and filed on or about the
10 same date, a true and correct copy of which is attached hereto, marked as Exhibit A.

11 Pursuant to the terms of Evidence Code Section 452, subdivision (d)(1), and Section 453,
12 Plaintiff also requests that the Court take judicial notice of this Court's March 22, 2011, Minute
13 Order denying Defendant's motion for summary adjudication of issues as to Plaintiff Cindy Guillen-
14 Gomez, a true and correct copy of which is attached hereto, marked as Exhibit B.

15
16 Dated: April 6, 2012

Respectfully submitted,

LAW OFFICES OF RHEUBAN & GRESEN

17
18
19 By: 
20 Robert C. Hayden
Attorneys for Plaintiff Steve Karagiosian

EXHIBIT A

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Attorneys for Defendant and Cross-Complainant CITY OF BURBANK, including the
POLICE DEPARTMENT OF THE CITY OF BURBANK (erroneously sued as an
independent entity named “BURBANK POLICE DEPARTMENT”)

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

OMAR RODRIGUEZ; CINDY GUILLEN-
GOMEZ; STEVE KARAGIOSIAN; ELFEGO
RODRIGUEZ; AND JAMAL CHILDS,

Plaintiffs,

v.

BURBANK POLICE DEPARTMENT; CITY
OF BURBANK; AND DOES 1 THROUGH
100, INCLUSIVE,

Defendants.

BURBANK POLICE DEPARTMENT; CITY
OF BURBANK,

Cross-Complainants,

v.

OMAR RODRIGUEZ, an Individual;

Cross-Defendant.

Case No. BC 414602

Judge: The Honorable Joanne O'Donnell

Dept.: 37

Date: March 22, 2011

Time: 9:00 a.m.

**DEFENDANT BURBANK'S
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
BURBANK'S MOTION FOR SUMMARY
ADJUDICATION OF ISSUES AGAINST
PLAINTIFF CINDY GUILLEN-GOMEZ**

[Notice of Motion and Motion, Separate Statement
of Undisputed Facts, Evidence In Support, and
Appendix of Non-California Authorities filed
concurrently herewith]

File Date: May 28, 2009

Trial Date: April 13, 2011 (Plff. Guillen-Gomez);

June 8, 2011 (Plff. Karagiosian);

July 27, 2011 (Plff. O. Rodriguez)

Discovery Referee: Hon. Diane Wayne, Ret.

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1 **I. INTRODUCTION AND SUMMARY OF ARGUMENT**

2 Defendant and Cross-Complainant City of Burbank¹ ("Burbank") brings this Motion for
3 Summary Adjudication as to each of Plaintiff Cindy Guillen-Gomez's ("Guillen") causes of action
4 under the Fair Employment and Housing Act ("FEHA").² Specifically, those causes of action are
5 barred because Guillen failed to exhaust her administrative remedies under FEHA, and Burbank is
6 therefore entitled to summary adjudication based on the Sixth Affirmative Defense in Burbank's
7 Answer To First Amended Complaint (failure to exhaust administrative remedies).

8 It is a *jurisdictional prerequisite* to any FEHA claim that a plaintiff exhaust her
9 administrative remedies by filing a *verified administrative complaint* with the Department of Fair
10 Employment and Housing ("DFEH") before commencing a civil lawsuit. Cal. Govt. Code §
11 12960(b); *Blum v. Superior Court*, 141 Cal. App. 4th 418, 428 (2006). Guillen never filed a
12 verified complaint with the DFEH. Although someone, presumably Guillen's attorneys, filed a
13 DFEH complaint describing her claims, Guillen never even saw, much less verified, that
14 complaint. That fact is completely undisputed. Guillen testified to it at her deposition, and her
15 attorney acknowledged that she had never before seen the DFEH complaint. Based on that
16 undisputed fact, Burbank is entitled to summary adjudication on Guillen's FEHA causes of action.

17 This is Burbank's second motion for summary adjudication as to certain of Guillen's
18 claims. This motion is properly before this Court because Burbank has not previously sought
19 summary adjudication of the issue addressed herein. Although the summary adjudication statute,
20 Code of Civil Procedure Section 437c(f)(2), does limit a party's ability to "move for summary
21 judgment based *on issues asserted in a prior motion* for summary adjudication and denied by the

22 ¹ Including the Police Department of the City of Burbank (erroneously sued as an
independent entity named "Burbank Police Department").

23 ² Guillen's FEHA-based claims in her First Amended Complaint ("FAC") are the First
24 through Fifth Causes of Action. Specifically: First Cause Of Action (Wrongful Discrimination In
Violation Government Code Section 12940, Subsections (a) and (c)); Second Cause Of Action
25 (Wrongful Harassment in Violation of Government Code Section 12940, Subsections (a), (d) and
(j)); Third Cause Of Action (Wrongful Retaliation in Violation Government Code Section
26 12940(h)); Fourth Cause Of Action (Wrongful Failure to Accommodate and Engage in the
Required Interactive Process in Violation of Government Code Sections 12945 and 12940,
27 subsections (m) and (n)); and Fifth Cause Of Action (Wrongful Failure to Take Reasonable Steps
to Prevent Harassment Discrimination and Retaliation in Violation Government Code Section
28 12940, Subsections (j)(1) and (k)).

1 court" (emphasis added), courts have repeatedly held this does not bar a new summary
2 adjudication motion addressing a different issue. *See Nieto v. Blue Shield of California Life and*
3 *Health Insurance Company*, 181 Cal. App. 4th 60, 71-73 (2010) (affirming trial court ruling that
4 "[Section 437c(f)(2)] did not bar summary judgment because the operative motion addressed an
5 issue not raised by the prior motion."); *Patterson v. Sacramento City Unified School Dist.*, 155
6 Cal. App. 4th 821, 827 (2007) (rejecting plaintiff's argument that the trial court improperly
7 granted a second motion for summary judgment after denying the first where "the [defendant's]
8 two motions were not identical and involved different legal theories"). Because Burbank's prior
9 motion did not address Burbank's affirmative defense that Guillen failed to exhaust her
10 administrative remedies as to her FEHA causes of action, this motion is properly before this Court.

11 Further, as discussed below, exhaustion of administrative remedies is a jurisdictional
12 prerequisite to a civil action under FEHA. Thus, the issue raised by this motion challenges this
13 Court's subject matter jurisdiction to adjudicate Guillen's FEHA claims. A challenge to subject
14 matter jurisdiction is *always* proper. As the Court stated in *Marlow v. Campbell*, 7 Cal. App. 4th
15 921, 928 (1992): "A judgment rendered by a court that does not have subject matter jurisdiction is
16 void and unenforceable *and may be attacked anywhere*, directly or collaterally, by parties or by
17 strangers." (Emphasis added.)³

18 19 **II. STATEMENT OF FACTS**

20 On or about May 27, 2009, a complaint identifying Guillen as the complaining party was
21 submitted electronically to the DFEH. That complaint is attached to the First Amended Complaint
22 in this action ("FAC") as Exhibit C thereto, and also is Exhibit 143 to Guillen's January 6, 2010

23
24 ³ A minority of courts have treated the defense of failure to exhaust as procedural, but the
California Supreme Court has rejected that view in the FEHA context:

25 The rule "is not a matter of judicial discretion, but is a fundamental rule of procedure . . .
26 binding upon all courts." (Id. at p. 293.) We have emphasized that, "Exhaustion of
27 administrative remedies is 'a jurisdictional prerequisite to resort to the courts.' [Citation]."
(*Johnson v. City of Loma Linda* (2000) 24 Cal. 4th 61, 70.)

28 *Campbell v. Regents of the University of Cal.*, 35 Cal. 4th 311, 321 (2005).

1 deposition. See UF 1.⁴ When asked about the DFEH complaint at her deposition, Guillen
2 testified, and her attorney confirmed, that she had never before seen the complaint:

3 Q. All right. Have you seen Exhibit 143 [the DFEH Complaint]
4 before?

5 A. I -- I don't know.

6 Q. Do you understand --

7 A. This --

8 Q. I'm sorry. Go ahead.

9 A. I said, I'm sorry, *I don't think so.*

10 * * *

11 Q. BY MR. MICHAELS: At the bottom of the document, it says,
12 "By submitting this complaint, *I am declaring under penalty of*
13 *perjury* under the laws of the state of California *that the foregoing*
14 *is true and correct of my own knowledge* except as to the matter
15 stated on my information and belief, and as to those matters I
16 believe it to be true." Do you see that statement?

17 A. Yes.

18 Q. Do you understand that that statement represents a certification
19 by you that the matters in this document are true under penalty of
20 perjury?

21 MR. GRESSEN: Legal opinion. Rifkin. Foundation. *She's never*
22 *seen it.*

23 UF 2 (emphasis added to testimony).
24
25

26 ⁴ Undisputed facts listed in Burbank's Separate Statement of Undisputed Facts (filed
27 concurrently herewith) are referred to as "UF" in this Memorandum. Some undisputed facts are
28 repeated more than once in the Separate Statement. Those undisputed facts are referred to in this
Memorandum by the number assigned to them the first time they appear in the Separate
Statement.

1 **III. LEGAL ARGUMENT**

2 **A. A Plaintiff's Failure To File A Verified DFEH Complaint Entitles The**
3 **Defendant To Summary Judgment On FEHA Claims.**

4 Before commencing a civil lawsuit under the FEHA, it is a *jurisdictional prerequisite* that
5 the plaintiff file a verified administrative complaint with the DFEH. *See Okoli v. Lockheed*
6 *Technical Operations Co.*, 36 Cal. App. 4th 1607, 1613 (1995) ("in the context of the FEHA,
7 exhaustion of the administrative remedy is a jurisdictional prerequisite to resort to the courts");
8 *Blum*, 141 Cal. App. 4th at 422 ("failure to exhaust an administrative remedy is a jurisdictional,
9 not a procedural, defect"); Cal. Govt. Code §§ 12960(b)(DFEH complaint must be verified) and
10 12965(b).

11 If a plaintiff fails to file a verified administrative complaint, the plaintiff has failed to
12 exhaust her administrative remedies, and the defendant is entitled to summary judgment. *See, e.g.,*
13 *Greenly v. Sara Lee Corp.*, 2008 WL 1925230, 13-15 (E.D. Cal. 2008) (court granted summary
14 judgment for employer on FEHA claims where employee's attorney filed a DFEH complaint
15 which had not been verified by the plaintiff); *Cole v. Antelope Valley Union High School Dist.*, 47
16 Cal. App. 4th 1505, 1511-1515 (1996) (court affirmed summary judgment for individual
17 defendants because employee failed to exhaust his DFEH administrative remedies with respect to
18 those individuals); *Martin v. Lockheed Missiles & Space Co., Inc.*, 29 Cal. App. 4th 1718, 1725-
19 1730 (1994) (court affirmed summary judgment for employer on FEHA claims because employee
20 failed to exhaust her DFEH administrative remedies with respect to those claims).

21 **B. Guillen Did Not Verify Her DFEH Complaint**

22 Although someone, presumably Guillen's attorneys, electronically submitted a complaint
23 to the DFEH in Guillen's name, that complaint was not verified by Guillen. Indeed, Guillen
24 testified at her deposition (and her attorney confirmed) that she had never before seen the DFEH
25 complaint. *See* UF 2. This entitles Burbank to summary adjudication on Guillen's FEHA causes
26 of action.

27 *Greenly v. Sara Lee Corp.* is squarely on point. The plaintiff in that case, like Guillen,
28 testified at deposition that he had never seen his DFEH complaint before. *Greenly, supra*, at 13.

1 Based on that fact, the *Greenly* court granted summary judgment, because the plaintiff had failed
2 to verify his DFEH complaint. *Id.* at 13-14.

3 Any allegation Guillen makes that her complaint was verified should also fail on the
4 ground that Guillen's attorneys never showed her the complaint to ensure the allegations were
5 true. Indeed, courts have not only held that such a purported "verification" is ineffective (*see*
6 *Greenly* at 13), but an attempt by an attorney to hold out a document as "verified" by a client when
7 in fact the client has not verified it is wholly unethical. In *Drociak v. State Bar of California*, 52
8 Cal. 3d 1085 (1991), the California Supreme Court disciplined an attorney for conduct that is
9 indistinguishable from that in the instant case. In *Drociak*, the attorney filed purportedly
10 "verified" responses to interrogatories (attaching pre-signed verifications) without first consulting
11 the client to ensure the asserted facts were true. *Id.* at 1090. The Court held the attorney's
12 conduct was "a clear and serious violation of the statutes and rules." *Id.* In reaching its decision
13 to impose discipline, the Court noted that the use of pre-signed verifications "posed a threat to the
14 administration of justice (in that unverified information in discovery responses might be
15 inaccurate, and the opposing party might rely on that information in agreeing to an "undeserved"
16 settlement)[.]" *Id.* at 1088.

17 Here, as in *Drociak*, Guillen's attorney submitted the DFEH complaint with only Guillen's
18 name on it, thereby indicating that Guillen verified the complaint, when in fact Guillen had never
19 seen it to ensure the allegations were true. Such a purported "verification" is improper.
20 Accordingly, Guillen has failed to exhaust her administrative remedies, and Burbank is entitled to
21 summary adjudication on her FEHA claims. *Cf. Steele v. Totah*, 180 Cal. App. 3d 545, 549, 554
22 (1986) (deficient verification by plaintiff's attorney led to summary judgment for defendant;
23 attorney improperly verified plaintiff's responses to requests for admission, and defendant was
24 entitled to summary judgment based on facts deemed admitted by the improperly-verified
25 requests).

1 C. Guillen's Attorneys Cannot Retroactively Claim That They Verified Guillen's
2 DFEH Complaint On Her Behalf.

3 In an attempt to salvage her DFEH complaint, Guillen may argue that her attorneys
4 verified it on her behalf. Any such argument must fail. California law is crystal clear that for an
5 attorney to verify a DFEH complaint, he must do so *in his own name*. The controlling case is
6 *Blum v. Superior Court*:

7 We hold an attorney may verify a DFEH complaint for his or her client by
8 *subscribing his or her own name to the complaint. The attorney may not verify by*
9 *signing the client's name.* *Blum, supra*, at 428. (Emphasis added.)

10 Similarly, in *Greenly*, the Court rejected the plaintiff's argument that his attorney verified
11 the DFEH complaint by signing the plaintiff's name to it, stating:

12 In *rare and prudent circumstances*, an attorney may indeed verify a DFEH
13 complaint on behalf of his or her client. However, *an attorney may only do so "by*
14 *subscribing his or her own name to the complaint" subject to the penalties of*
15 *perjury.* In contrast, *the law is clear that "[t]he attorney may not verify by signing*
16 *the client's name."* *Greenly, supra*, 13-14 (citations omitted) (emphasis added).

17 Here, the only name on Guillen's purported DFEH complaint is Guillen's own name. *See*
18 UF 1. There is no mention of her attorney, and no indication that anyone other than Guillen was
19 purporting to verify the complaint. *See Id.* Thus, as in *Greenly*, Guillen has failed to file a
20 verified complaint, has failed to exhaust her administrative remedies, and Burbank is entitled to
21 summary adjudication as to her FEHA causes of action.
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1 **IV. CONCLUSION**

2 For the foregoing reasons, Burbank respectfully submits that the Court should grant its
3 motion for summary adjudication as to Guillen's First through Fifth causes of action in the First
4 Amended Complaint, because each of those causes of action is barred by the affirmative defense
5 that Guillen failed to exhaust her administrative remedies under FEHA.

6
7 Dated: December 23, 2010

MITCHELL SILBERBERG & KNUPP LLP
Lawrence A. Michaels
Veronica von Grabow

8
9
10 By: 

Veronica Von Grabow
Attorneys for Defendants and Cross-
Complainant CITY OF BURBANK,
including the POLICE DEPARTMENT OF
THE CITY OF BURBANK (erroneously
sued as an independent entity named
"BURBANK POLICE DEPARTMENT")

1 **PROOF OF SERVICE**

2 42729-00001

3 *Rodriguez, et al. vs. Burbank Police Department, et al. — LASC Case No. BC414602*

4 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

5 I am employed in the county of Los Angeles, State of California. I am over the age of 18
6 and not a party to the within action. My business address is Mitchell Silberberg & Knupp LLP,
11377 West Olympic Boulevard, Los Angeles, California 90064-1683.

7 On December 23, 2010, I served a copy of the foregoing document(s) described as:
8 **DEFENDANT BURBANK'S MEMORANDUM OF POINTS AND AUTHORITIES IN**
9 **SUPPORT OF BURBANK'S MOTION FOR SUMMARY ADJUDICATION OF ISSUES**
10 **AGAINST PLAINTIFF CINDY GUILLEN-GOMEZ; [NOTICE OF MOTION AND MOTION,**
11 **SEPARATE STATEMENT OF UNDISPUTED FACTS, EVIDENCE IN SUPPORT, AND**
12 **APPENDIX OF NON-CALIFORNIA AUTHORITIES FILED CONCURRENTLY HEREWITH]** on
13 the interested parties in this action at their last known address as set forth below by taking the
14 action described below:

15 Solomon E. Gresen, Esq., seg@rglawyers.com

16 Steven V. Rheuban, Esq., svr@rglawyers.com

17 Law Offices of Rheuban & Gresen

18 15910 Ventura Boulevard, Suite 1610

19 Encino, CA 91436

20 T: (818) 815-2727

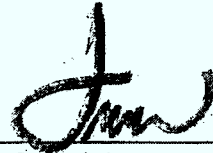
21 F: (818) 815-2737

22 *Attorneys for Plaintiffs Omar Rodriguez, Cindy Guillen-Gomez, Steve*
23 *Karagiosian, Elfego Rodriguez, and Jamal Childs*

24 ☒ **BY PERSONAL DELIVERY:** I placed the above-mentioned document(s) in sealed
25 envelope(s), and caused personal delivery by **FIRST LEGAL SUPPORT SERVICES** of
26 the document(s) listed above to the person(s) at the address(es) set forth above.

27 I declare under penalty of perjury under the laws of the State of California that the above is
28 true and correct.

Executed on December 23, 2010, at Los Angeles, California.

23 

Isabel G. Moreno

1 **PROOF OF SERVICE**

2 42729-00001

3 *Rodriguez, et al. vs. Burbank Police Department, et al. — LASC Case No. BC414602*

4 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

5 I am employed in the county of Los Angeles, State of California.

6 I am over the age of 18, and not a party to the within action; my business address is **FIRST**
7 **LEGAL SUPPORT SERVICES, 1511 West Beverly Boulevard, Los Angeles, CA 90026**

8 On December 23, 2010, I served the foregoing document(s) described as **DEFENDANT**
9 **BURBANK'S MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF**
10 **BURBANK'S MOTION FOR SUMMARY ADJUDICATION OF ISSUES AGAINST**
11 **PLAINTIFF CINDY GUILLEN-GOMEZ; [NOTICE OF MOTION AND MOTION,**
12 **SEPARATE STATEMENT OF UNDISPUTED FACTS, EVIDENCE IN SUPPORT, AND**
13 **APPENDIX OF NON-CALIFORNIA AUTHORITIES FILED CONCURRENTLY HEREWITH]**
14 which was enclosed in sealed envelopes addressed as follows, and taking the action described
15 below:

16 Solomon E. Gresen, Esq., seg@rglawyers.com
17 Steven V. Rheuban, Esq., svr@rglawyers.com
18 Law Offices of Rheuban & Gresen
19 15910 Ventura Boulevard, Suite 1610
20 Encino, CA 91436
21 T: (818) 815-2727
22 F: (818) 815-2737
23 *Attorneys for Plaintiffs Omar Rodriguez, Cindy Guillen-Gomez, Steve*
24 *Karagiosian, Elfego Rodriguez, and Jamal Childs*

25 ☒ **BY PERSONAL SERVICE:** I hand delivered such envelope(s):

26 ☐ to the addressee(s);

27 ☐ to the receptionist/clerk/secretary in the office(s) of the addressee(s).

28 ☐ by leaving the envelope in a conspicuous place at the office of the addressee(s)
between the hours of 9:00 a.m. and 5:00 p.m.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on December 23, 2010, at Los Angeles, California.

Printed Name

Signature

EXHIBIT B

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 03/22/11

DEPT. 37

HONORABLE JOANNE O'DONNELL

JUDGE

E.T. ESPINOZA

DEPUTY CLERK

HONORABLE

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

#

8

G.S. HIRONAKA, C/A

Deputy Sheriff

C. KWON-CHANG, # 12143

Reporter

8:30 am

BC414602

Plaintiff

Counsel

STEVEN CISCHE (X)

OMAR RODRIGUEZ ET AL

Defendant

Counsel

LAWRENCE MICHAELS (X)

VS

BURBANK POLICE DEPARTMENT ET AL

170.6 DAVID P. YAFFE

NATURE OF PROCEEDINGS:

DEFENDANT CITY OF BURBANK'S NOTICE OF MOTION AND
MOTION FOR SUMMARY ADJUDICATION OF ISSUES AGAINST
PLAINTIFF CINDY GUILLEN-GOMEZ;

Motion is called for hearing.

The Court indicates the tentative is to deny the
motion as there are triable issues of fact.

The motion is argued and the tentative is now the
order of the Court as stated in open court and fully
reflected in the notes of the Court Reporter.

Notice waived.

FILED

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles. I am over the age of eighteen and am not a
4 party to the within action. My business address is 15910 Ventura Boulevard, Suite 1610, Encino,
California 91436.

5 On April 6, 2012, I served a copy of the following documents described as: **PLAINTIFF'S**
6 **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFF STEVE**
7 **KARAGIOSIAN'S POST-TRIAL BRIEF RE: FEHA COMPLAINT** on the interested parties,
through their respective attorneys of record in this action by placing a true copy thereof enclosed in
sealed envelopes addressed as follows:

8 Linda Miller Savitt, Esq.
9 Ballard Rosenberg Golper &
Savitt, LLP
10 500 North Brand Boulevard,
Twentieth Floor
11 Glendale, California 91203
Email: lsavitt@brgslaw.com

12 **XX BY MAIL:** By placing a true copy thereof enclosed in a sealed envelope(s) addressed as
13 above, and placing each for collection and mailing on that date following ordinary business
14 practices. I am "readily familiar" with this business's practice for collecting and processing
correspondence for mailing. On the same day that correspondence is placed for collection
15 and mailing, it is deposited in the ordinary course of business with the U.S. mail Postal
Service in Los Angeles, California, in a sealed envelope with postage fully prepaid.

16 **XX BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an
17 agreement of the parties to accept service by e-mail or electronic transmission, I caused the
documents to be sent to the person(s) at the e-mail address listed above. My electronic
18 notification address is ag@rglawyers.com. I did not receive, within a reasonable time after
the transmission, any electronic message or other indication that the transmission was
unsuccessful.

19 **XX STATE:** I declare under penalty of perjury under the laws of the State of California that the
20 above is true and correct.

21 Executed on April 6, 2012, at Encino, California.

22 
23 Annette Goldstein

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1301 West Second Street #205, Los Angeles, California 90026.

On April 6, 2012, I caused the foregoing documents described as **PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF PLAINTIFF STEVE KARAGIOSIAN'S POST-TRIAL BRIEF RE: FEHA COMPLAINT** to be personally served by delivering a true copy thereof enclosed in a sealed envelope addressed as follows:

Lawrence A. Michaels
Mitchell Silberberg & Knupp LLP
11377 West Olympic Boulevard
Los Angeles, CA 90064-1683
Facsimile: (310) 312-3100
Email: LAM@msk.com

☒ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the premises of the addressee.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the declaration was executed on April 6, 2012, at Encino, California.

Print _____